IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

-

WRIT PETITION NO : 16290 of 1995

Between:

G. Seeta Mahalakshmi w/o GVN Rao,
Tatipaka Village, Razole Taluk,
E.G Dist.

..... PETITIONER

and

The Special Deputy Collector, Land Acquisition Officer

O.N.G.C, Rajamundry, E G Dist.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue any appropriate writ, order or direction especially one in the nature of Mandamus, directing the respondent herein to refer the award No.23/93 on the file the respondent herein to the Civil Court under Section 18 of the Land Acquisition Act,1894 pertaining to the lands in R.S.No.154/2,157/6, 8 Zeraith in an extent of Ac.1-37 cts. In the village of Nagaram, Mamidikuduru Mandal, E.G.Dist.

Counsel for the Petitioner:MR.V.L.N.GOPALA KRISHNA MURTHY

Counsel for the Respondent : MR.K.VENKATA RAO

The Court made the following:

ORDER:

This writ petition has been filed seeking a direction to the respondent to refer the Award No.23 of 1993 to the Civil Court under Section 18 of the Land Acquisition Act, 1894 pertaining to the lands in R.S.No.154/2, 157/6, 8 Zeraith in an extent of Ac.1-37 cents situated in Nagaram village, Mamidikuduru Mandal, East Godavari District.

The telltale facts leading to filing of the writ petition may have to be noticed:

The petitioner owns land admeasuring Ac.1-37 cents in R.S.No.154/2,157/6,8 in Nagaram village, Mamidikuduru Mandal. The said lands were acquired by the respondent by an award dated 16.09.1993 for the purpose of Green Belt for O.N.G.C and a meager compensation was awarded. Being not satisfied with the same, the petitioner got issued a legal notice dated 12-10-1993 to the respondent to refer the Award to the Civil Court for enhancement of compensation under Section 18 of the Land Acquisition Act, 1894 (for brevity 'the Act'). But, no action has been taken by the respondent so far.

Heard the learned counsel on either side.

The undisputed fact remains that the land acquisition proceedings have been initiated for acquiring the land in question and in pursuance of the same an order in Award No.23 of 1993 on the file of the respondent was passed. The main thrust of

the contention of the learned counsel for the petitioner is that in spite of the request, the matter has not been referred to the Civil Court.

In this view of the matter, it would suffice, if the respondent is directed to refer the matter to the Civil Court under Section 18 (2) of the Act within a period of eight weeks from the date of receipt of a copy of this order.

Subject to the aforesaid direction, the writ petition is, accordingly, allowed. No costs.

_____

16-12-2004

rkk

The Rule nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this, Thursday, the sixteenth day of December, Two thousand and four.

To

1. The Special Deputy Collector, Land Acquisition Officer

O.N.G.C, Rajamundry, E G Dist.

2. Two CD copies.